# BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

#### **MINUTES**

Regular Meeting
March 7, 2006

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by Robert C. Gibbons, at 1:05 P. M., Tuesday, March 7, 2006, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: Paul V. Milde III; George H. Schwartz; M. S. "Joe" Brito; Jack R. Cavalier, Vice Chairman; Mark Dudenhefer; Peter J. Fields and Robert C. Gibbons, Chairman.

Also in attendance were: Steve Crosby, County Administrator; Joseph L. Howard, County Attorney; and Marty Y. Beard, Chief Deputy Clerk.

<u>Legislative</u>; <u>Suspend the Rules</u>. Hearing no objections from the Board, the Chairman suspended the Bylaws and stated that Presentations and Committee Reports by Board Members would be moved to the evening session of the meeting.

<u>Student Government Day.</u> The Chairman welcomed students from Brooke Point, Colonial Forge, North Stafford, and Stafford High Schools.

Legislative; Presentation of a Proclamation to Recognize and Commend County Staff, School Personnel, Students and the Stafford County Historical Society for Collaborating to Produce "Stafford is My Home." Student Representative Josh Baker on behalf of the

Chairman presented a proclamation to recognize the efforts for producing "Stafford is My Home".

<u>Presentation by the Public.</u> The following persons spoke on topics as identified:

Art Hart - Naming of I-95 Bridge.

Britney Smith - Road safety.

Tom Coen - Student Government Day.

Oyster Roast.

<u>Legislative</u>; Report of the Superintendent of the Schools. Dr. Jean Murray, Division Superintendent of Schools, gave a presentation on current school issues and responded to Board members and Student Representatives questions.

<u>Legislative</u>; <u>Report of the County Attorney.</u> Mr. Joseph L. Howard, County Attorney, commented on the following:

- Subdivision Ordinance.
- Clustering issue.

<u>Legislative</u>; <u>Report of the County Administrator</u>. Student Representative Megan Handlock, on behalf of the County Administrator, commented on the following:

- Invitation from Stafford Borough, England to celebrate 800<sup>th</sup> Anniversary.
- Addition:
  - Proposed Resolution R06-156 A Resolution to Oppose House Bill 1185 Introduced in the 2006
     Session of the Virginia General Assembly
- Budget presentation.

<u>Legislative</u>; <u>Consent Agenda</u>. Mr. Fields motioned, seconded by Mr. Cavalier, to adopt the Consent Agenda consisting of Items 1 thru 4.

The Voting Board tally was:

Yea: (7) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (0)

<u>Item 1. Legislative; Approve Minutes of Board Meeting.</u> Adjourned Meeting of January

9, 2006; Regular Meeting of January 17, 2006; and Adjourned Meeting of January 26,

2006

Item 2. Administration; Approve a Proclamation to Declare the Week of April 23-29,

2006, as Citizen Volunteer Appreciation Week.

Proclamation P06-12 reads as follows:

A PROCLAMATION TO DECLARE THE WEEK OF APRIL 23-29,

2006, AS CITIZEN VOLUNTEER APPRECIATION WEEK

WHEREAS, one foundation of a decent and just society is the willingness of

people to work together for the common good through volunteers mobilized to help those

experiencing social and psychological problems; to give of their time to recreational and

cultural programs; and to contribute their expertise to local government services; and

WHEREAS, volunteer citizens provide switchboard, reception and ombudsman

services as needed in the Administration Center and have responded more than 100,000

times to requests from citizens during the year; and

WHEREAS, Citizen Assistance Volunteer Teams have given more than 12,000

hours of service during the past year by providing data entry, traffic and transportation

service to the Sheriff's Office; furnishing clerical and reception services in the Circuit,

General District and Juvenile and Domestic Relations Courts; contributing general

clerical support in many other offices as needed; exhibiting a willingness to provide immediate response and assistance during disasters; and responding citizen requests; and

WHEREAS, volunteer citizens have given more than 8,600 hours promoting and performing litter prevention clean-up programs and offering educational programs about litter prevention, recycling and conservation of our natural resources; and

WHEREAS, the Board desires to bring public attention to the contributions of these special citizens and, in particular, to recognize 18 volunteers who have contributed significant hours of service to include Ida Ansell, 341 hours; Bill Bowers, 231, hours; Laura Collinsworth, 200 hours; Russell Decatur, 768 hours; Bea Dick, 252 hours; Valerie Hart, 200 hours; Jim Heal, 241 hours; Nick Kopchinsky, 287 hours; Jay Lockhart, 454 hours; Dot Nosal, 200 hours; Janet O'Neal, 419 hours; Ginny Preda, 238 hours; Mary Price, 221 hours; Michele Purton, 233 hours; Roberta Schreiber, 235 hours; Wilma Smith, 510 hours; Dave Stumph, 273 hours; and Clevo Wheeling, 266 hours;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 7th day of March, 2006, that the Week of April 23-29, 2006, be and it hereby is declared as Citizen Volunteer Appreciation Week.

<u>Item 3. Legislative; Appoint Members to Boards, Authorities, Commissions and Committees.</u>

#### Resolution R06-140 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE COMMUNITY POLICY AND MANAGEMENT TEAM FOR AT-RISK YOUTH AND FAMILIES

WHEREAS, Resolution R92-551, adopted by the Board on December 15, 1992, established a Community Policy and Management Team for At-Risk Youth and Families; and

WHEREAS, the Comprehensive Services Act requires that, at a minimum, the team consist of a representative of the Rappahannock Area Community Services Board, the Juvenile Court Services Unit, the Department of Health, the Department of Social Services, the local school division, a parent from the community, a private provider organization and at least one elected official or appointed official or his designee from the Governing Body; and

WHEREAS, the terms of agency heads are permanent, as long as the appointee serves as an agency head and the terms of private provider and parent representative are for three years; and

WHEREAS, the Board has previously appointed the following:

NAME	EXPIRATION
NAME	EAFIRATION

Ronald W. Branscome Virtue of Office

(Community Services Board)

Virtue of Office Michael Mastopaolo

(Juvenile Court Services Unit)

Donald R. Stern Virtue of Office

(Director of Health Department)

Virtue of Office Michael Muse

(Department of Social Services)

Dr. Jean Murray Virtue of Office

(Local School Division)

(Or Designee)

Daniella Servan December 31, 2008

(Parent Representative)

Michaeline Galik December 31, 2005

(Private Provider Representative)

Peter J. Fields Term of Office

(Elected Official)

WHEREAS, the term of Michaeline Galik expired on December 31, 2005; and

WHEREAS, the Board desires to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of March, 2006, that

<u>NAME</u> <u>EXPIRATION</u>

Lynn McFaden December 31, 2008

(Private Provider Representative)

be and she hereby is appointed as a member of the Community Policy and Management Team for At-Risk Youth and Families.

Item 4. Public Services; Petition VDOT to Include Streets within Augustine North Subdivision, Sections 7A, 7B, 8 and 9; Claiborne Manor and Saint Georges Estates, Section 6, into the Secondary System of State Highways.

#### Resolution R06-120 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE MONUMENT DRIVE, TOLIVER LANE, RUSHMORE LANE, SULGREAVE WAY, PINKERTON COURT, COLONIAL FORGE DRIVE, BRANNIGAN DRIVE WITHIN AUGUSTINE NORTH SUBDIVISION, SECTIONS 7A, 7B, 8, AND 9, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Monument Drive, Toliver Lane, Rushmore Lane, Sulgreave Way, Pinkerton Court, Colonial Forge Drive and Brannigan Drive within Augustine North Subdivision into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of March, 2006, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Augustine North into the Secondary System of State Highways:

Street	Station	Length
Monument Drive	Fr: 0.06 Mi. E Inter. Lakewind Lane To: Inter. Toliver Lane	0.27 Mile 60' ROW
Monument Drive	Fr: Inter. Toliver Lane To: Inter. Colonial Forge Drive	0.09 Mile 65' ROW

Monument Drive	Fr: Inter. Colonial Forge Drive	0.09 Mile
	To: Inter. Sulgrave Way	65' ROW
Monument Drive	Fr: Inter. Sulgrave Way	0.15 Mile
	To: Inter. Courthouse Road	65'/90' ROW
Toliver Lane	Fr: Inter. Monument Drive	0.09 Mile
	To: Inter. Rushmore Lane	50' ROW
Toliver Lane	Fr: Inter Rushmore Lane	0.08 Mile
	To: 0.08 Mi. S Inter. Rushmore Lane	50' ROW
Rushmore Lane	Fr: Inter. Toliver Lane	0.11 Mile
	To: 0.11 Mi. W. Inter. Toliver Lane	50' ROW
Sulgreave Way	Fr: Inter. Monyment Drive	0.04 Mile
	To: Inter Pinkerton Court	50' ROW
Pinkerton Court	Fr: 0.13 Mi. NE Inter. Sulgrave Way	0.13 Mile
	To: Inter. Sulgrave Way	50' ROW
Pinkerton Court	Fr: Inter. Sulgrave Way	0.12 Mile
	To: 0.12 Mi. W Inter. Sulgrave Way	50' ROW
Colonial Forge Drive	Fr: Inter Monument Drive	0.11 Mile
	To: Inter. Brannigan Drive	57' ROW
Brannigan Drive	Fr: 0.16 Mi. W Inter. Colonial Forge Drive	0.16 Mile
	To: Inter. Colonial Forge Drive	57' ROW
Brannigan Drive	Fr: Inter. Colonial Forge Drive	0.02 Mile

#### To: 0.02 Mi. E. Inter. Colonial Forge Drive 57' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Augustine North Subdivision, Section 7A, LR Ins. # 010018399, recorded August 24, 2001, and Augustine North Subdivision, Section 7B, LR Ins. # 010028733, recorded December 18, 2001; and Augustine North Subdivision, Section 8, LR Ins. # 020009023, recorded April 02, 2002; and Augustine North Subdivision, Section 9, LR Ins. # 0200027710, recorded September 23, 2002; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the developer and the Residency Administrator of VDOT.

#### Resolution R06-121 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA
DEPARTMENT OF TRANSPORTATION TO INCLUDE
PICKETT LANE AND CRAWFORD LANE WITHIN
CLAIBORNE MANOR SUBDIVISION, INTO THE
SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Pickett Lane, and Crawford Lane within Claiborne Manor Subdivision into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of March, 2006, that the Virginia Department of

Transportation (VDOT) be and it hereby is petitioned to include the following streets within Claiborne Manor into the Secondary System of State Highways:

Street	Station	Length
Pickett Lane	Fr: Inter. Mountain View Road To: Inter. Crawford Lane	0.06 Mile 50' ROW
Pickett Lane	Fr: Inter. Crawford Lane To: Inter. 0.09 Mi. NE Inter. Crawford Lane	0.09 Mile 50' ROW
Crawford Lane	Fr: 0.03 Mi. W Inter. Pickett Lane To: Inter. Pickett Lane	0.03 Mile 50' ROW
Crawford Lane	Fr: Inter. Pickett Lane To: 0.07 Mi. E Inter. Pickett Lane	0.07 Mile 50' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Claiborne Manor Subdivision, LR PM 040000013, recorded January 20, 2004 and;

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the developer and the Residency Administrator of VDOT.

#### Resolution R06-122 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE ST. ADAMS DRIVE, ST. RICHARDS DRIVE, AND ST. CLAIRES COURT WITHIN SAINT GEORGES ESTATES SUBDIVISION, SECTION 6, INTO THE

#### SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add St. Adams Drive, St. Richards Drive, St. Claires Court within Saint Georges Estates Subdivision, Section 6, into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of March, 2006, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Saint Georges Estates into the Secondary System of State Highways:

Street	Station	Length
St. Adams Drive	Fr: Inter. St. Stephens Court To: Inter. St. Richards Court	0.18 Mile 50'/52' ROW
St. Adams Drive	Fr: Inter. Richards Court To: Inter. Joshua Court	0.11 Mile 50'/52' ROW
St. Richards Drive	Fr: Inter. St. Adams Drive To: Inter. St. Claires Court	0.07 Mile 52' ROW
St. Claires Court	Fr: Inter. St. Richards Court To: 0.10 Mi. E Inter. St. Richards Court	0.10 Mile 52' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record

entitled Saint Georges Estates Subdivision, Section 6, LR Ins. # 040022559, recorded June 15, 2004, and;

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the developer and the Residency Administrator of VDOT.

Human Resources; Consider Execution of an Agreement for the NACo Prescription Consumer Card Program. Ms. Tammi Ellis, Director of Human Resources, gave a presentation.

Mr. Schwartz motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-110.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

#### Resolution R06-110 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE AN AGREEMENT WITH THE NATIONAL ASSOCIATION
OF COUNTIES AND ADVANCEPCS HEALTH, L.P. TO PROVIDE A
PRESCRIPTION DRUG DISCOUNT CARD PROGRAM

WHEREAS, the National Associations of Counties has partnered with AdvancePCS Health, L. P. to provide a prescription drug discount card program to participating counties; and

WHEREAS, this program allows the County to participate in the prescription

drug discount card program and make it available to Stafford County citizens at not cost

to the citizen or the County; and

WHEREAS, the program is open to all county residents, regardless of age,

income or existing health coverage;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 7th day of March 2006, that the County Administrator be and he

hereby is authorized to execute an agreement with the National Association of Counties

and AdvancePCS Health, L.P. to provide a prescription drug discount card program.

Parks and Recreation; Consider Improvements to Woodlands Pool. Mr. Greg Sager,

Director of Parks and Recreation, gave a presentation.

Mr. Dudenhefer motioned, seconded by Mr. Schwartz, to defer proposed Resolution

R06-154.

Discussion ensued.

Mr. Dudenhefer withdrew the motion to defer. Mr. Schwartz withdrew the second to the

motion.

Mr. Dudenhefer motioned, seconded by Mr. Schwartz, to refer the issue to the Parks and

Recreation Commission for further review and to report back to the Board in the April.

The Voting Board tally was:

Yea:

Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito (7)

Nay: (0)

Recess. At 2:35 P.M., the Chairman declared a recess.

Call to Order. At 2:41 P.M., the Chairman called the meeting back to order.

Finance; Authorize the County to Participate in the VML/VACo Financing Program to Finance the Cost of Construction of the Public Safety Building and Two Fire and Rescue Stations and to Reimburse Itself for any Interim Capital Expenditures and to Schedule a Public Hearing to Budget and Appropriate the Debt Proceeds. The Deputy County Administrator gave a presentation.

Ms. Karin DeMoors, Public Financial Management, commented further.

Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-23.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

#### Resolution R06-23 reads as follows:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF STAFFORD COUNTY, VIRGINIA AUTHORIZING A LEASE ARRANGEMENT WITH THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF STAFFORD AND THE CITY OF STAUNTON, VIRGINIA TO FINANCE VARIOUS PUBLIC SAFETY CAPITAL PROJECTS

WHEREAS, the Board of Supervisors (the "Board") of Stafford County, Virginia (the "County") has determined that it is necessary and advisable to undertake the acquisition, construction, improvement and equipping of a new public safety building (the "Leased Project"), and two new fire and rescue stations (together with the Leased Project, the "Financed Projects") for the County; and

WHEREAS, the Board has determined that it is in the best interest of the County to enter into a lease arrangement in order to obtain funds to finance the Financed Projects; and

WHEREAS, the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia (the "Authority") intends to issue its Revenue Bonds (Virginia Municipal League/ Virginia Association of Counties Finance Program) (the "2006 Authority Bonds"), and to loan a portion of the proceeds to the County pursuant to the terms of a Financing Lease (defined herein) (the "Lease Obligation"); and

WHEREAS, the County will lease the Leased Project to the Authority pursuant to a lease (the "Prime Lease") and will lease the Leased Project back from the Authority pursuant to a financing lease between the Authority and the County (the "Financing Lease"). The Lease Obligation will be payable solely from the revenues derived from the Financing Lease pursuant to which the County will agree to make rental payments, subject to annual appropriation; and

WHEREAS, the Authority will assign its rights to the rental payments under the Financing Lease to the trustee for the 2006 Authority Bonds (the "Assignment of Rents and Leases"). All of the documents listed above, except the 2006 Authority Bonds, are referred to in this Resolution as the "Basic Documents".

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors of Stafford County, Virginia on this the 7th day of March, 2006 that:

- 1. <u>Approval of Leasing Arrangement and Lease Obligations.</u> The leasing arrangement with the Authority to accomplish the financing of the financed Projects for the benefit of the County is hereby approved.
- 2. <u>Authorization of Basic Documents.</u> The Basic Documents are approved with such changes, insertions or omissions (including, without limitation, changes

of the dates thereof), including but not limited to such changes as may required by the bond insurer for the 2006 Authority Bonds, and as may be approved by the County Administrator, the Finance Director or the Chairman of the Board, whose approval shall be evidenced conclusively by the execution and delivery of the Basic Documents to which the County is a party. The execution and delivery of and performance by the County under Lease Obligation and the Basic Documents to which the County is a party are authorized.

- 3. Execution of Documents. The Chairman of the Board, the Vice Chairman of the Board, the County Administrator and the Finance Director, or any of them, are authorized to execute on behalf of the County the Basic Documents to which the County is a party, and, if required, the County Administrator and the Clerk of the Board are authorized and directed to affix or to cause to be affixed the seal of the County to the Basic Documents and to attest such seal. The Chairman of the Board, the Vice Chairman of the Board, the County Administrator and the Finance Director or their designees are authorized to execute and deliver on behalf of the County such instruments, financing agreements, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Basic Documents; and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.
- 4. Approval of the Terms of the Lease Obligation. The Lease Obligation shall be composed of principal and interest components having a maximum original principal amount of \$51,000,000 to provide for the financing of the Financed Projects (including repayment of the Interim Financing as hereinafter defined), plus amounts sufficient to pay all costs associated with the financing, including legal fees and any discount. The Lease Obligation shall accrue interest at a maximum interest rate of 6.5% per annum, and shall have a term to maturity not exceeding approximately thirty-one (31) years after origination of the Lease Obligation.

- 5. <u>Payments under Financing Lease.</u> The County agrees to pay all amounts required by the Financing Lease.
- 6. Approval of Interim Financing. The County Administrator and the Finance Director, or either of them, are also authorized to enter into a financing arrangement from such source as they deem appropriate in anticipation of the Lease Obligation (the "Interim Financing") for the purposes for which the Lease Obligation has been authorized. The County Administrator and the Finance Director, or either of them or their designees, are authorized to execute any agreement or document in connection with the Interim Financing. Such Interim Financing shall be in a maximum principal amount of \$4,000,000, accrue interest at a maximum rate of 10% per annum and be for no more than one year. The County's obligation to make payments in connection with the Interim Financing is hereby specifically stated to be subject to annual appropriation therefor by the Board, and nothing in this Resolution or in the agreements evidencing the Interim Financing shall constitute a pledge of the full faith and credit nor taxing power of the County nor compel the Board to make any such appropriation.

The County is entering into the Interim Financing pursuant to the authority granted in Sections 15.2-1205 and 15.2-4905 of the Virginia Code of 1950, as amended, and not pursuant to the County's borrowing powers.

- 7. **Essentiality of the Project.** The Financed Projects are hereby declared to be essential to the efficient operation of the County, and the County anticipates that the Financed Projects will continue to be essential to the operation of the County during the term of any agreement executed in connection with the Interim Financing and the term of the Financing Lease.
- 8. **Annual Budget.** While recognizing that it is not empowered to make any binding commitment to make such payments beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of any agreement executed in

connection with the Interim Financing and the term of the Financing Lease. The Board directs the Finance Director, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of any agreement executed in connection with the Interim Financing and the term of the Financing Lease, respectively, an amount sufficient to pay all amounts coming due under any agreement executed in connection with the Interim Financing and the Financing Lease during such fiscal year.

As soon as practicable after the submission of the County's annual budget to the Board, the County Administrator is authorized and directed to deliver to the Authority evidence that a request for an amount sufficient to make the payment of all amounts payable under any agreement executed in connection with the Interim Financing and the Financing Lease has been made. Throughout the term of any agreement executed in connection with the Interim Financing and the Financing Lease, respectively, the County Administrator shall deliver to the Authority within 30 days after the adoption of the budget for each fiscal year, but not later than July 1, a certificate stating whether an amount equal to all amounts due under any agreement executed in connection with the Interim Financing and the Financing Lease, respectively, which will be due during the next fiscal year has been appropriated by the Board in such budget. If at any time during any fiscal year of the County throughout the term of any agreement executed in connection with the Interim Financing and the Financing Lease, respectively, the amount appropriated in the County's annual budget in any such fiscal year is insufficient to pay when due the amounts payable under any agreement executed in connection with the Interim Financing and the Financing Lease, respectively, the Board directs the Finance Director, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the Board at the next scheduled meeting, or as promptly as practicable but in any event within 45 days, a request for a supplemental appropriation sufficient to cover the deficit.

- 9. Payment of Lease Obligation is Subject to Appropriation. The County's obligation to make payments to the Authority pursuant to the Financing Lease is hereby specifically stated to be subject to annual appropriation therefor by the Board, and nothing in this Resolution or the Basic Documents shall constitute a pledge of the full faith and credit nor taxing power of the County nor compel the Board to make any such appropriation.
- 10. **Reimbursement Declaration.** The County has made and expects to make out of temporary funds certain expenditures in connection with the Financed Projects for which the County reasonably expects to be reimbursed as permitted by Treasury Regulation Section 1.150-2 issued pursuant to the Internal Revenue Code of 1986, as amended, from the proceeds of the Lease Obligation. The maximum principal amount of the Lease Obligation is expected to be the amount set forth in paragraph 4.
- 11. <u>Disclosure Documents.</u> The County authorizes and consents to the inclusion of information with respect to the County to be contained in the Authority's Preliminary Official Statement and the Authority's Official Statement in final form, both prepared in connection with the sale of the 2006 Authority Bonds, a portion of the proceeds of which will be used to purchase the Lease Obligation. If appropriate, such disclosure documents shall be distributed in such manner and at such times as the Authority shall determine. The County Administrator is authorized and directed to take whatever actions are necessary and/or appropriate to aid the Authority in ensuring compliance with Securities and Exchange Commission Rule 15c2-12.
- 12. <u>Tax Documents.</u> The County Administrator is authorized to execute a Non-Arbitrage Certificate and Tax Compliance Agreement or any related document (the "Tax Documents") setting forth the expected use and investment of the proceeds of the Interim financing and the Lease Obligation and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Tax Code"), including the

provisions of Section 148 of the Tax Code and applicable regulations relating to

"arbitrage bonds." The County covenants that the proceeds from the issuance and

sale of the Interim financing and the Lease Obligation will be invested and

expended as set forth in the Tax Documents, to be delivered simultaneously with

the issuance and delivery of the Interim financing and the Lease Obligation and

that the County shall comply with the other covenants and representations

contained therein.

13. Other Actions. All other actions of the officers of the County in conformity

with the purpose and intent of this Resolution are hereby approved and confirmed.

The officers of the County are hereby authorized and directed to execute and

deliver all financing agreements, agreements, documents, certificates, forms and

instruments and to take all such further action as may be considered necessary or

desirable in connection with (1) the Interim Financing and (2) the execution and

delivery of the Basic Documents in connection with the Lease Obligation.

14. Repeal of Conflicting Resolutions or Ordinances. All resolutions or

ordinances or parts thereof in conflict herewith are hereby repealed.

15. **Effective Date.** This Resolution shall take effect immediately.

Adopted this \_\_\_\_ day of March, 2006.

\_\_\_\_\_

Clerk, Board of Supervisors

Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-151.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

#### Resolution R06-151 reads as follows:

### A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO BUDGET AND APPROPRIATE LEASE PROCEEDS FOR PUBLIC SAFETY PROJECTS

WHEREAS, the Board, on October 18, 2005, authorized the acquisition, construction, improvement and equipping of a new public safety building, and on December 13, 2005 authorized the acquisition, construction, improvement and equipping of two new fire and rescue stations; and

WHEREAS, the Board has authorized the financing for the public safety building and two fire and rescue stations through a lease arrangement with the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of March, 2006, that the County Administrator be and he hereby is authorized to advertise a public hearing on Proposed Resolution R06-152 which budgets and appropriates debt proceeds for capital construction in the amount of \$51,000,000.

<u>Planning</u>; Consider Appeal of a Decision by the Planning Commission to Deny Extension of Public Sewer to the Leeland Station, Section 8, Subdivision. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

Mr. Grayson Hanes, on behalf of the Applicant, commented.

Mr. Ted Smart, Applicant, commented further.

Mr. Schwartz motioned, seconded by Mr. Fields, to defer this item to the next Board meeting.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Schwartz

Nay: (0)

<u>Planning</u>; Consider Appeal of a Decision by the Planning Commission to Deny Extension of Public Sewer to the Fitzhugh North Subdivision. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

Mr. Fields motioned, seconded by Mr. Milde, to adopt proposed Resolution R06-141.

Discussion ensued.

The Voting Board tally was:

Yea: (6) Schwartz, Brito, Dudenhefer, Fields, Gibbons, Milde

Nay: (1) Cavalier

#### Resolution R06-141 reads as follows:

AN RESOLUTION TO AFFIRM A DECISION BY THE PLANNING COMMISSION TO DENY A REQUEST FOR THE EXTENSION OF PUBLIC SEWER OUTSIDE THE URBAN SERVICE AREA TO THE FITZHUGH NORTH SUBDIVISION, ASSESSOR'S PARCEL 47-18

WHEREAS, Daniel Webb, applicant, has submitted a request for extension of public sewer outside the Urban Service Area to Assessor's Parcel 47-18; and

WHEREAS, at a meeting on January 25, 2006, the Planning Commission voted 7-0 to deny the request; and

WHEREAS, the applicant has appealed the decision of the Planning Commission

pursuant to Section 15.2-2232B of the Code of Virginia (1950), as amended; and

WHEREAS, the Board has determined that the approval of the extension of

public sewer outside the Urban Service Area is inappropriate;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 7<sup>th</sup> day of March, 2006, that the decision of the Planning

Commission to deny the extension of public sewer to Assessor's Parcel 47-18 be and it

hereby is affirmed.

Planning; Execute a Contract for Comprehensive Planning Services. Mr. Mike Zuraf,

Principal Planner, gave a presentation.

Mr. Fields motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution

R06-149.

Discussion ensued.

The Voting Board tally was:

Yea: (7)

Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Resolution R06-149 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO EXECUTE A CONTRACT FOR COMPREHENSIVE PLANNING

**SERVICES** 

WHEREAS, the Board is pursuing an update to the Comprehensive Plan; and

WHEREAS, the County would be best served in seeking assistance from a qualified consultant for a project of this magnitude; and

WHEREAS, staff solicited proposals from qualified firms to provide planning services; and

WHEREAS, the staff has determined, and the Board concurred, that peter j. smith & company, inc. is qualified to provide planning services;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of March, 2006, that the County Administrator be and he hereby is authorized to execute a one-time contract with peter j. smith & company, inc. also known as design based planning, inc., for planning services, in an amount not to exceed One Hundred Thirty-three Thousand Two Hundred Sixty-five Dollars (\$133,265); and

BE IT FURTHER RESOLVED that \$133,265 be and it hereby is budgeted and appropriated to the General Fund, Planning Category, for plan review services.

<u>Utilities</u>; Amend the Pump and Haul Agreement at the Stafford Regional Airport. Mr. Robert E. Bos, Public Utilities Administrator, gave a presentation.

Mr. Brito motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-138.

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0

Resolution R06-138 reads as follows:

A RESOLUTION TO AMEND THE PUMP AND HAUL AGREEMENT AT

THE STAFFORD REGIONAL AIRPORT FOR THE PROPOSED NEW T-

**HANGAR** 

WHEREAS, the property at the Stafford Regional Airport is an approved non-

residential Pump and Haul customer under Resolution R01-256; and

WHEREAS, Resolution R01-256 provides that the property owner may not

expand and/or modify the existing structure unless approved on a case-by-case basis by

the Utilities Commission and the Board; and

WHEREAS, the Manager of Stafford Regional Airport has requested permission

to construct two T-hangars on the airport property with only one to have restroom

facilities and connected to the airports pump and haul tanks; and

WHEREAS, the Utilities Commission has recommended approval;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this 7<sup>th</sup> day of March, 2006, that the Pump and Haul Agreement be and it

hereby is amended to allow the construction of two T-hangars with only one to have

restroom facilities and connected to the airports pump and haul tanks.

Legislative; Discuss Preparation of Board Meeting Minutes. Mr. Brito commented.

Discussion ensued.

Hearing no objections from the Board, a Committee was formed of Mr. Brito and Mr.

Schwartz to review the issue and report back to the Board within 90 days.

Legislative; Discuss FY2006 Budget. Mr. Dudenhefer commented.

Discussion ensued.

Legislative; Discuss Nonconforming Housing. Mr. Brito commented.

Discussion ensued.

Hearing no objections from the Board, staff is to provide additional information.

<u>Legislative</u>; <u>Discuss New Appraisal and Appraiser for Rocky Pen Run.</u> Mr. Brito commented.

Discussion ensued.

This item was deferred to a future Board meeting.

<u>Legislative</u>; <u>Addition to Regular Agenda.</u> Mr. Fields motioned, seconded by Mr. Cavalier, to add proposed Resolution R06-156 to the Regular Agenda.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0

Economic Development and Legislative Affairs; Oppose House Bill 1185 Introduced in the 2006 Session of the Virginia General Assembly. Mr. Fields motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-156.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0

#### Resolution R06-156 reads as follows:

A RESOLUTION TO OPPOSE HOUSE BILL 1185 INTRODUCED IN THE 2006 SESSION OF THE VIRGINIA GENERAL ASSEMBLY

WHEREAS, House Bill 1185, introduced in the 2006 Virginia General Assembly, in the form adopted by the House and Senate, would scuttle proposed Department of

Environmental Quality regulations for withdrawal scheduled for approval in Spring 2006; and

WHEREAS, the regulations were proposed by a Technical Advisory Committee established in response to concerns raised during the statewide drought in 2002, and would set water withdrawal limits that trigger requirements for a general permit, if a user withdraws less than 1 million gallons of water per month, and an individual permit, if a user withdraws more than 3 million gallons per month; and

WHEREAS, while House Bill 1185 proposes to expand the protection of riparian rights for certain individuals, the legislation would infringe upon the riparian rights of all other landowners, potentially disrupting centuries of riparian rights common law; and

WHEREAS, House Bill 1185 removes the protection of all beneficial uses of state waters, thereby eliminating the fundamental underpinnings of the Commonwealth's water protection program, in place for more than two decades; and

WHEREAS, House Bill 1185 jeopardizes the Commonwealth's four-year effort to establish policies to ensure a stable water supply for all public and private users of the waters of the Commonwealth;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors, on this the 7<sup>th</sup> day of March 2006, that it hereby expresses its opposition to House Bill 1185 for the reasons cited above; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is requested to transmit a copy of this resolution to the Governor of Virginia, so that he may be apprised of the sense of the Board on this matter.

Economic Development and Legislative Affairs; Rescind the Request to the Commonwealth Transportation Board to Designate the Interstate 95 Bridge over the

Rappahannock River as the Pearl Harbor Memorial Bridge. Mr. Fields motioned, seconded by Mr. Cavalier, to rescind Resolution R05-163 withdrawing the request.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0

<u>Closed Meeting.</u> At 4:30 P.M., Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution CM06-10.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

Resolution CM06-10 reads as follows:

#### A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice in regard to Smith Lake Park contract issues; and

WHEREAS, pursuant to Section 2.2-3711 A7 VA Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of March, 2006, does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order.</u> At 4:48 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Schwartz motioned, seconded by Mr. Cavalier, to adopt proposed Resolution CM06-10a.

The Voting Board tally was:

Yea: (7) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (0)

Resolution CM06-10a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON MARCH 7, 2006

WHEREAS, the Board has, on this the 7th day of March 2006, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 7th day of March 2006, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Recess. At 4:49 P.M., the Chairman called a recess until 7:00 P.M.

Call to Order. At 7:03 the Chairman called the meeting back to order.

<u>Invocation.</u> Mr. Fields led the Invocation in a moment of silence for the four individuals who lost their lives in the recent airplane accident at the Stafford Regional Airport.

<u>Pledge of Allegiance.</u> Mr. Cavalier led in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

Presentation of a Proclamation to Recognize and Commend the Stafford High School

Girls Varsity Field Hockey Team. The Chairman presented a proclamation to recognize and commend the Stafford High School Girls Varsity Field Hockey Team.

<u>Presentations by the Public-II.</u> The following persons spoke on topics as identified:

Kim Miller - School construction.

Doreen Phillips - School construction.

Robert Belman - School construction.

<u>Legislative</u>; <u>Presentations and Committee Reports by Board Members</u>. Board members spoke on topics as identified:

Mr. Brito - School construction.

- Austin Ridge Homeowners Association/sewer line issues.

- Austin Ridge Drive safety issues.

- Two park sites.

Proposed Walmart on Warrenton Road.

Vulcan Quarry pit use.

Mr. Cavalier - Welcomed School Board members.

 Attended Homeowner Association meetings at Aquia Harbour, Stonebridge and Widewater Village.

- Joint venture with YMCA..
- Widewater Volunteer Fire Department banquet.
- Potomac Vineyards.

Mr. Dudenhefer - Homeowner Associations; transportation and tax

assessments are top issues.

- Potomac Hills Volunteer Fire Department issues.
- Cellular phone towers.

Mr. Fields - Welcomed School Board members.

Death of Elizabeth Dailey, Treasurer and Stafford
 Regional Airport plane crash victims.

- Transportation Impact fees.
- Transfer of development rights.
- Rappahannock Area Development Commission reorganization.
- Attended Board of Social Services meeting.

Mr. Gibbons - Recent deaths.

- Attended National Association of Counties
Legislative Conference.

- National Trust Fund for highways.
- Virginia Railway Express.

Mr. Milde - Presence of Stafford County at hospital meeting.

- Brooke Post Office.
- Crows Nest.
- Brookeridge and Aquia Harbour Homeowner

- Association meetings.
- Potomac and Rappahannock Transportation Commission.
- Rappahannock River easement.
- Working with schools on various issues.
- Tax rate.
- Virginia Department of Transportation issues.
- Attended meetings with constituents on various issues.
- Recycling efforts of Rappahannock Regional Solid
   Waste Management Board.
- Attended Virginia Railway Express Town Hall Meeting.

Mr. Schwartz

- Beautification Committee.
- Trash collection.
- Attended meeting at Stafford Regional Airport Authority.
- Encouraged Stafford Citizens to attend board, authorities, commissions and committee meetings.
- Rappahannock Area Community Services Board.
- Attended Rodney Thompson Middle School reading program.

<u>Utilities; Transfer Property to the Stafford County School Board.</u> The Deputy County Administrator gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Schwartz motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-64.

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Resolution R06-64 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO TRANSFER PARCEL AP-54-132A TO THE STAFFORD COUNTY SCHOOL BOARD

WHEREAS, Staff has determined that property at Parcel AP54-132A is surplus property: and

WHEREAS, the School Board desires the property for a new school; and

WHEREAS, the Board does not currently have a use for the property and has carefully considered the recommendation of staff and the testimony at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of March, 2006, that the County Administrator be and he hereby is authorized to transfer Parcel AP54-132A to the Stafford County School Board.

Administration; Amend and Reordain Chapter 23 of the County Code Entitled "Taxation" by Adding Sections 23-12 through 23-15 Regarding Property Exempted by Local Designation. The County Attorney gave a presentation.

Mr. Scott Mayausky, Commissioner of the Revenue, commented.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing

Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Ordinance O06-22.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Ordinance O06-22 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 23 OF THE STAFFORD COUNTY CODE ENTITLED "TAXATION" BY ADDING SECTIONS 23-12 THROUGH 23-15 REGARDING PROPERTY EXEMPTED BY LOCAL DESIGNATION

WHEREAS, pursuant to Article X of the Constitution of Virginia, on and after January 1, 2003, the County may by designation or classification exempt from real or personal property taxes, the real or personal property, or both, owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes; and

WHEREAS, the Board desires to designate certain properties for exemption for nonprofit organizations that meet the required specifications;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 7th day of March, 2006, that Chapter 23 of the Stafford County Code entitled "Taxation" be and it hereby is amended and reordained by adding Sections

23-12 through 23-15 regarding property exempted by local designation to read as follows:

## Sec. 23-12. Status of exemptions claimed by classification or granted by designation prior to January 1, 2003.

A. Nothing in this ordinance adopted pursuant to Section 58.1-3651, of the Code of Virginia (1950), as amended, shall affect the validity of either a classification exemption or a designation exemption granted by the General Assembly prior to January 1, 2003, pursuant to Article 2 (§ 58.1-3606, et seq.), Article 3 (§ 58.1-3609, et seq.) or Article 4 (§ 58.1-3650, et seq.) of Title 58.1, Chapter 36 of the Code of Virginia (1950), as amended.

B. An exemption granted pursuant to Article 4 (§ 58.1-3650, et seq.) of Title 58.1, Chapter 36 of the Code of Virginia (1950), as amended, may be revoked in accordance with the provisions of § 58.1-3605, of the Code of Virginia (1950), as amended.

#### Sec. 23-13. Tax exemption after January 1, 2003.

A. Pursuant to subsection 6 (a) (6) of Article X of the Constitution of Virginia, as amended, on and after January 1, 2003, this County is authorized to exempt from taxation, by designation or classification, real and/or personal property owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes.

B. The ordinance amendment that grants exemption to any organization shall state the specific use on which the exemption is based, and continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated.

- C. The County shall not grant tax exemptions to any organization that has any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin.
- D. Tax exemption requests pursuant to this Article shall be strictly construed in accordance with the provisions of Article X, Section 6(f) of the Virginia Constitution, as amended.

### Sec. 23-14. Procedure for granting tax exemptions by designation after January 1, 2003.

- A. Each application for a tax exemption under this article shall include documentation to allow the Board of Supervisors to consider, among other things, the following questions:
- 1. Whether the organization is exempt from taxation pursuant to § 501 (c) of the Internal Revenue Code of 1954;
- 2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to such organization, for use on such property;
- 3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders;
- 4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services;
- 5. Whether the organization provides services for the common good of the public;

- 6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office; and
- 7. The revenue impact to the locality and its taxpayers of exempting the property.

Pursuant to § 58.1-3651(B)(8) of the Code of Virginia (1950), as amended, the Board may consider any other criteria, facts and circumstances that it deems pertinent to the adoption of an ordinance granting a tax exemption.

- B. An ordinance amendment exempting property pursuant to Section 23-12 of this article shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard.
- C. The Board shall publish notice of the hearing once in a newspaper of general circulation in the county where the real property is located.
- D. The notice shall include the assessed value of the real and tangible personal property for which an exemption is requested as well as the property taxes assessed against such property.
- E. The public hearing shall not be held until at least five days after the notice is published in the newspaper.
- F. The Board shall collect the cost of publication from the organization requesting the property tax exemption.

#### Sec. 23-15. Property exempt by designation on and after January 1, 2003.

A. The real and personal property of an organization designated by section within this article and used by such organization exclusively for a religious, charitable, patriotic, historical, benevolent, cultural or public park and playground purpose as set forth in

Article X, Section 6(a)(6) of the Constitution of Virginia, the particular purpose for

which such organization is designated being specifically set forth in the section within

this article that creates the designation, shall be exempt from taxation so long as such

organization is operated not for profit and the property so exempt is used in accordance

with the purpose for which the organization is designated.

B. An exemption by designation may be revoked in accordance with the

provisions of § 58.1-3605 of the Code of Virginia (1950), as amended.

Budget; Appropriate Funds for School Construction Projects. The Deputy County

Administrator gave a presentation.

The Chairman opened a public hearing.

The following person desired to speak:

Edward Sullivan, Chairman of the School Board

The Chairman closed the public hearing.

Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution

R06-123 with a change.

Discussion ensued.

The Voting Board tally was:

2

(7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

Yea:

Resolution R06-123 reads as follows:

A RESOLUTION TO APPROPRIATE PROFFER FUNDS FOR SCHOOL

CONSTRUCTION PROJECTS

WHEREAS, the School Board also has requested the appropriation of proffer funds for School Construction Projects; and

WHEREAS, School proffers totaling \$716,740 are available;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of March, 2006, that the County Administrator be and he hereby is authorized to appropriate proffer funds as follows:

#### **GENERAL FUND**

Transfer to the School Construction Fund 716,740

SCHOOL CONSTRUCTION FUND 716,740

Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to defer proposed Resolution R06-171.

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

<u>Legislative</u>; <u>Closed Meeting</u>. At 8:05 P.M., Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution CM06-11.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

#### Resolution CM06-11 reads as follows:

#### A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice in regard to three matters: the Rappahannock River Easement, <u>Don Allen Metheny</u>, et al. v. The County of Stafford, Virginia, et al. and Stafford Rescue Squad contract issues and the acquisition of real property for public purpose in regard to Crow's Nest.

WHEREAS, pursuant to Section 2.2-3711 A7 and A3 VA Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors on this the 7<sup>th</sup> day of March, 2006, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 8:55 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution CM06-11a.

The Voting Board tally was:

Yea: (7) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (0)

#### Resolution CM06-11a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON MARCH 7, 2006

WHEREAS, the Board has, on this the 7th day of March 2006, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective

July 1, 1989, provides for certification that such Closed Meeting was conducted in

conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of

Supervisors does hereby certify, on this the 7th day of March 2006, that to the best of

each member's knowledge: (1) only public business matters lawfully exempted from

open meeting requirements under the Virginia Freedom of Information Act were

discussed in the Closed Meeting to which this certification applies; and (2) only such

public business matters as were identified in the Motion by which the said Closed

Meeting was convened were heard, discussed, or considered by the Board. No member

dissents from the aforesaid certification.

Adjournment. At 8:56 P. M., the Chairman declared the meeting adjourned until

Thursday, March 9, 2006 at 6:00 P. M.

Steve Crosby

Robert C. Gibbons

County Administrator

Chairman